with the abandonment of the franchise by the consent of the legislature. *Johnson v. Lake Drummond Canal & Water Co.* (1919, Va.) 99 S. E. 771.

See COMMENTS, *supra*, p. 431.

CONSTITUTIONAL LAW—WAR POWERS—PROHIBITION.—The plaintiff sued for an injunction against the United States Attorney and the Collector of Internal Revenue enforcing against him the penalties provided in the War Time Prohibition Act as amended by the Volstead Act. The plaintiff was manufacturing beer containing more than 0.5 and less than 2.75 *per cent.* of alcohol. The plaintiff contended that the question of this beverage being intoxicating was issuable, that Congress could not probihit the making of non-intoxicating liquors, and that the prohibition could not without compensation be extended to liquor acquired before the passage of the act. *Held,* that a dismissal of the petition was correct; the vital point being that "there was no appropriation of private property, but merely a lessening of value due to a permissible restriction imposed upon its use." *Ruppert v. Caffey* (Jan. 5, 1920) U. S. Sup. Ct. Oct. Term 1919, No. 603.

For discussion of this and the companion cases, see COMMENTS, *supra*, p. 437.

CONSTITUTIONAL LAW—WAR POWERS—WAR TIME PROHIBITION AND NON-INTOXICATING LIQUORS.—The defendant was indicted for using food products in the manufacture for beverage purposes of beer containing one-half of one *per cent.* of alcohol, in violation of the War Time Prohibition Act and the President's Proclamations thereunder. The Act was directed against "beer, wine *or other intoxicating malt or vinous liquors.*" *Held,* that a demurrer to the indictment was properly sustained. *United States v. Standard Brewery* (Jan. 5, 1920) U. S. Sup. Ct. Oct. Term 1919, No. 458.

The court stressed the words *or other intoxicating;* declared its inability to rule as matter of law that beverages containing not more than one-half of one *per cent.* of alcohol were intoxicating; declined to pass on the power of Congress to prohibit non-intoxicating liquors; and distinguished Internal Revenue Department rulings as classifications for purposes of taxation which could not enlarge criminal liability under Acts of Congress. See further COMMENTS, *supra*, p. 437.

CONTRACTS—OFFER AND ACCEPTANCE—SILENCE OF OFFEREE AS ACCEPTANCE.—On March 26, 1917, the defendant's traveling salesman solicited and received at the plaintiff's country store a written order for 50 barrels of meal, the order expressly stating that the salesman had no power to make a contract and that the order should not be binding until accepted by the defendant at its own office. The meal was to be ordered out by the plaintiff by July 31, or storage was to be charged thereafter. The salesman continued to make weekly calls upon the plaintiff, but nothing was said by either party as to this order, until May 26, when the plaintiff ordered the meal to be shipped. The defendant at once said that it had not accepted the order. In the meantime war had been declared and prices had risen. *Held,* that the defendant's silence for two months was unreasonable and that it operated as an acceptance of the order. *Cole-McIntyre-Norfleet Co. v. Holloway* (1919, Tenn.) 214 S. W. 817.

See COMMENTS, *supra*, p. 441.

COURTS—JURISDICTION—ORIGINAL JURISDICTION OF UNITED STATES SUPREME COURT.—The complainant, a citizen of New Jersey, asked leave to file an original bill against certain United States officers and against the State of New Jersey for an injunction against the enforcement of the Eighteenth Amendment or legislation under it, on the ground that the amendment was void. *Held,*